

Application No. 10/716,637
Attorney Docket No. JDC-002-US
Response to Office Action dated July 12, 2004

REMARKS

Claims 59-74 are currently pending, all of which have been rejected. Claims 59-62, 64-65, 67-68, and 71-74 are amended by this amendment.

Claim 67 is rejected under 35 U.S.C. §112, second paragraph, as being indefinite due to an insufficient antecedent basis. Due to a typographical error, claim 67 inadvertently referred to a "secure money transfer instrument," which is also recited in other claims, rather than an "atm card," which is recited in corresponding independent claim 64. Claim 67 has been amended to correct the typographical error.

Turning to the prior art, claims 59 and 68-70 are rejected under 35 U.S.C. §102(b) as being anticipated by Brody et al (U.S. Pat. No. 5,350,906). Claims 60 and 71 are rejected under 35 U.S.C. §103(a) as being unpatentable over Brody et al in view of Ito et al (U.S. Patent No. 6,039,250). Claims 61, 72-73 and 75 are rejected under 35 U.S.C. §103(a) as being unpatentable over Brody et al in view of Picciallo (U.S. Pat. No. 6,044,360). Claims 62-63 are rejected under 35 U.S.C. §103(a) as being unpatentable over Brody et al in view of Corder et al (U.S. Pat. No. 5,936,221). Claims 64-66 are rejected under 35 U.S.C. §103(a) as being unpatentable over Brody et al in view of Picciallo and Corder et al. Claim 67 is rejected under 35 U.S.C. §103(a) as being unpatentable over Brody et al in view of Picciallo and Corder et al and further in view of Ito et al. Claim 74 is rejected under 35 U.S.C. §103(a) as being unpatentable over Brody et al in view of Picciallo and further in view of Ito et al. Applicant submits the claims as amended are allowable over the prior art.

Brody et al teaches a currency transfer system and method utilizing a two part PIN, multiple cards for completing a single money transfer, modified ATM's, and non-standard ATM cards. As taught by Brody et al, a sender must go to a designated sponsor location to purchase a special one-time ATM card, which allows the sender access on a limited basis to the sponsor's master account. (see Brody et al at col. 2, lines 43-58) The sender's ATM card is for use at specially modified ATM machines having a "special control program" that recognize the one-time nature of the sender's card. (see Brody et al at col. 2, line 59-66) The sender uses the one-time card and special ATM to designate funds for transfer to a recipient. (see Brody et al at col. 2, line 66 to col. 3, line 4) A PIN is assigned using the special ATM by combining a PIN number provided by the sender with a PIN assigned by the system. (see Brody et al at col. 3, lines 5-10) The sender then communicates the full PIN to the recipient. (see Brody et al at col. 3, lines 20-21) The recipient must then go to a sponsor location to purchase a special one-time

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ATM retrieval card, which when used at a special ATM that recognizes the one-time retrieval card, allows the recipient to retrieve the funds using the full PIN. (see Brody et al at col. 3, lines 21-28)

As taught by Brody et al, changes "must be made" to the standard ATM in order for the system to operate. (see Brody et al at col. 5, lines 49-53). Additionally, the card used with the specially modified ATM's are "not a normal ATM card." (see Brody et al at col. 6, lines 40-45). In contrast, the recited claims as amended for clarity require use of a standard atm card (see ¶12 of the specification for support) on existing ATM's (see ¶¶8-9 of the specification for support).

Additionally, Brody et al, like March, which was distinguished in the preliminary amendment, the recipient is required to go to a designated location to specifically designated physical location to receive the retrieval card. In fact, Brody et al requires both the sender and the recipient to go to specially designated physical locations to retrieve cards. The interaction between the sender and a special ATM having a special control program is fundamental to the operation of the Brody et al system. This interaction is required in order to create the PIN as half is provided by the sender and the other half is provided by the system through the special ATM. Further the PIN is more than a standard PIN for verification purposes as it identifies the particular sub-account containing the funds to be transferred and the recipient. (see Brody et al at col. 7, lines 33-43) This runs counter to the Applicant's invention and precludes any attempt to combine Brody et al with references that purport to teach differing card provisioning techniques.

For the above stated reasons, Brody et al neither alone nor in combination with any of the relied upon references teaches or suggests the recited claims.

Turning to Ito et al, the Examiner asserts Ito et al teaches determining whether the recipient receives the atm card and, if not, providing a monetary credit to the sender. However, Ito et al only teaches providing a refund after "a certain period of time passes." (Ito et al at col. 2, lines 42-47; col. 5, line 65 to col. 6, line 3) Ito et al fails to teach determining whether the recipient receives the atm card and providing the refund on this basis as recited in claims 67 and 74.

Applicant respectfully submits that the pending claims are allowable, and respectfully requests a Notice of Allowance for this application. Should the Examiner believe that a telephone conference would expedite the prosecution of this application, the undersigned can be reached at the telephone number set out below.

Application No. 10/716,637
Attorney Docket No. JDC-002-US
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Respectfully submitted,

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